

## **REMARKS**

### **I. Status of Claims**

Claims 40 and 41 were previously canceled by way of the preliminary amendment dated October 6, 2005. Claims 36 to 39 were canceled herewith in response to the Restriction Requirement as reading on the non-elected invention. Claim 45 has been amended to correct a grammatical error. Claims 1 to 35 and 42 to 47 are pending. It is respectfully submitted that no new matter was added in this amendment.

Concurrently with this Response to Restriction Requirement, Applicant submits a petition for a one-month extension of time for filing a response, along with the requisite fee. Therefore the time for filing a response to the October 14, 2008 Restriction Requirement is thereby extended to December 14, 2008, and this Response is being timely filed. If it is determined that any additional fee is due in connection with this filing, the Commissioner is authorized to charge said fees to Deposit Account No. 50-0552.

### **II. Restriction Requirement**

In the Office Action, the Examiner asserted that the present application contains claims which are directed to the following two distinct inventions and stated that restriction to one of the two inventions is required:

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|-----------|--|
| Group I:  | Claims 1-35 and 42-47 are drawn to a composition, a blister or a dry powder inhaler for treating sexual dysfunction by pulmonary inhalation, said composition comprising apomorphine, the apomorphine being in the form of a free base, pharmaceutically acceptable salt or ester. |
| Group II: | Claims 36-39 are drawn to a method of treating sexual dysfunction, the method comprising administering to a subject in need of such treatment a composition as claimed in Group I.   |

In response, Applicants elect, without traverse, Group I (Claims 1 to 35 and 42 to 47), drawn to a composition, a blister or a dry powder inhaler for treating sexual dysfunction by pulmonary inhalation, said composition comprising apomorphine, the apomorphine being in the

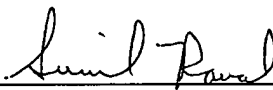
form of a free base, pharmaceutically acceptable salt or ester. Claims 36 to 39 were related to the invention of Group II and, therefore, were canceled as reading on the non-elected invention.

Conclusion

An early and favorable action on the merits is earnestly requested.

Respectfully submitted,

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